

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT NO. Z-699757-D5
AND ALL OTHER SEAMAN DOCUMENTS
Issued to: CECIL C. RICHARDSON

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1606

CECIL C. RICHARDSON

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.30-1.

By order dated 28 July 1966, an Examiner of the United States Coast Guard at New Orleans, Louisiana suspended Appellant's seaman documents for two months outright upon finding him guilty of misconduct. The specifications found proved allege that while serving as an able Seaman on board the United States SS DOUGLASS VICTORY under authority of the document above described, Appellant was absent without leave on two dates, on or about 3 June 1966 and 20 June 1966, and failed to perform his duties on three dates, on or about 11 July 1966, 12 July 1966 and 13 July 1966, the last two of which were due to intoxication.

Since Appellant was not present or represented at the hearing, the Examiner entered pleas of not guilty on behalf of Appellant and conducted the hearing in absentia.

The Investigating Officer introduced in evidence certified extracts from the Shipping Articles showing Appellant to be a member of the crew at the times alleged in the specifications, and the Official Log of the vessel containing entries concerning the allegations of the five specifications.

At the end of the hearing, the Examiner rendered a written decision in which he concluded that the charge and five specifications had been proved. The Examiner then entered an order suspending all documents issued to Appellant for a period of two months outright.

The entire decision was served on 23 August 1966. Appeal was timely filed on 25 August 1966.

FINDINGS OF FACT

Appellant was serving as an Able Seaman on board the United

States SS DOUGLAS VICTORY and acting under authority of his document while the ship was on a voyage commencing 31 March 1966 and ending 25 July 1966 at New Orleans, Louisiana. While in Saigon, South Viet Nam, on or about 3 June 1966, Appellant was absent from his vessel without leave from 8:00 a.m. to 5:00 p.m. On or about 20 June 1966 while in Danang, South Viet Nam, Appellant was absent from his vessel without leave from 8:00 a.m. to 5:00 p.m. While the vessel was at sea he failed to perform his duties on or about 11 July 1966 when called for the 4-8 AM watch and failed to perform his duties by being unable to stand the 4-8 PM watch on 12 July and the 4-8 AM watch on 13 July 1966 due to intoxicants.

Appellant was admonished in 1957 and in 1958 for failure to perform and failure to join, and received a warning on 17 January 1966 for failure to perform.

BASES OF APPEAL

This appeal has been taken from the order imposed by the Examiner. It is urged on behalf of Appellant that consideration should be given to his exemplary conduct and loyalty to the United States in the merchant marine since 1927, and it is contended that he has learned his lesson. In view of the above and due to the shortage of qualified American seamen, it is requested that the suspension order be set aside.

APPEARANCE ON APPEAL: Catholic Maritime Club of Mobile,
Alabama, by Gerald E. Strang, Director

CONCLUSION

The findings of the Examiner are supported by substantial and probative evidence and are not disputed by Appellant. In view of the number of specifications and Appellant's prior record, the order is considered to be fair and reasonable.

ORDER

The order of the Examiner dated at New Orleans, Louisiana, on 28 July 1966 is AFFIRMED.

P. E. TRIMBLE
Vice Admiral, U. S. Coast Guard
Acting Commandant

Signed at Washington, D.C., this 4th day of May 1967.

INDEX

FAILURE TO STAND WATCH
 intoxication as cause

ABSENCE FROM VESSEL
 without authority, offense of